

1 FRANK R. UBHAUS, CA STATE BAR NO. 46085
2 CHRISTIAN E. PICONE, CA. STATE BAR NO. 218275
3 BERLINER COHEN
4 TEN ALMADEN BOULEVARD
5 ELEVENTH FLOOR
6 SAN JOSE, CALIFORNIA 95113-2233
7 TELEPHONE: (408) 286-5800
8 FACSIMILE: (408) 998-5388
9 EMAIL: fru@berliner.com
10 EMAIL: cep@berliner.com
11 ATTORNEYS FOR JON R. DOYLE

E-filed 8/23/06

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE VENUE

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 JON R. DOYLE,

15 Defendant.

Case No. CR-05-00199 HRL

STIPULATION AND ORDER
CONTINUING SENTENCING
HEARING

Crim. L.R. 32-2

[No Hearing Requested]

17 **STIPULATION**

18 Pursuant to Criminal Local Rule 32-2, Jon R. Doyle requests that the court continue the
19 sentencing hearing to November 30, 2006 at 9:30 a.m.

20 Good cause exists to continue this hearing. Last month E-brary's vice president and general
21 counsel met with the defendant to resolve restitution. Progress was made in reaching a resolution of
22 the restitution issue. However, the parties were not able to come to a final agreement. Recently the
23 parties exchanged documents regarding restitution in an attempt to narrow the issues. The parties
24 are attempting to schedule another meeting in mid September. E-brary's general counsel and
25 defense counsel plan to agree on another meeting date sometime next week. The parties were
26 unable to set a new date earlier. All parties believe that resolving restitution prior to sentencing will
27 preserve judicial resources and allow the sentencing to proceed without the necessity of a drawn out
28 hearing on that issue. Therefore, it is necessary to continue the sentencing hearing to resolve the

1 restitution issue. Additionally, continuing the sentencing hearing to November 30, 2006 will allow
2 the probation officer adequate time to incorporate the restitution resolution into the Pre-sentence
3 Report.

4 1. On August 18, 2006, I discussed the reasons for seeking a continuance of the
5 sentencing hearing and the proposed hearing date of November 30, 2006, with
6 Assistant United States Attorney Shashi H. Kewalranani. Mr. Kewalranani does not
7 object to the stipulation and continued hearing date.

8 2. On August 18, 2006, I had a follow-up discussion with Assistant Probation Officer
9 J.D. Woods about seeking a continuance of the sentencing hearing and the proposed
10 hearing date of November 30, 2006. Mr. Woods does not object to the stipulation
11 and continued hearing date. Mr. Woods advised me that due to his schedule he
12 requests that the matter be continued to a November date rather than October.

13 3. On August 18, 2006, my secretary confirmed with the Courtroom Deputy Clerk that
14 November 30, 2006 at 9:30 a.m. is available as a sentence hearing date.

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct and that this document was executed on the 22nd day of August 2006 at
17 San Jose, California.

18 BERLINER COHEN

19
20 By /s/Christian E. Picone
21 FRANK R. UBHAUS
22 CHRISTIAN E. PICONE
23 ATTORNEYS FOR JON R. DOYLE

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1 I approve of the above Stipulation.

2 Dated: August 22, 2006

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4 KEVIN D. RYAN
UNITED STATES ATTORNEY

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6 By /s/Shashi H. Kewalranani
7 SHASHI H. KEWALRANANI
8 ASSISTANT UNITED STATES
9 ATTORNEY

10 **ORDER**

11
12 Based on the foregoing stipulation and good cause appearing therefore, it is hereby ordered
13 that the sentencing hearing scheduled for Thursday, September 28, 2006 is vacated and this matter is
14 continued for a sentencing hearing on Thursday, November 30, 2006 at 9:30 a.m.

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17
18 Dated: August 23 , 2006

19 
20 HOWARD R. LOYD
21 UNITED STATES MAGISTRATE JUDGE